

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
CENTURY 21 REAL ESTATE CORPORATION)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	
)	
DENNEHY, BARNES, VENTURES, INC.,)	
JOHN S. DENNEHY and THOMAS BARNES,)	
)	
Defendants.)	
_____)	

**PLAINTIFF CENTURY 21 REAL ESTATE CORPORATION'S
MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiff Century 21 Real Estate Corporation ("Century 21") hereby moves this Court for entry of a Preliminary Injunction enjoining Defendants Dennehy, Barnes, Ventures, Inc., Thomas Barnes and John S. Dennehy (collectively, "DBV"), from continuing to use and/or dilute Century 21's trademarks, trade dress, service marks and trade names. Specifically, in accordance with Count I of the Verified Complaint, Century 21 requests that this Court:

Enter a preliminary injunction prohibiting DBV from using and/or displaying the CENTURY 21 Marks (as defined in the Verified Complaint) and associated trade names, service marks, and trademarks in violation of the Lanham Act.

As grounds for this motion, Century 21 refers this Court to the Verified Complaint, the Memorandum of Law in Support of Century 21's Motion for a Preliminary Injunction and the Declaration of Elizabeth Danielson in Support of Century 21's Motion for a Preliminary Injunction. As set forth in the Memorandum of Law, Century 21 is likely to succeed on the merits of its claims against DBV; will be irreparably harmed in the absence of a preliminary

injunction, and the harm to Century 21 if the requested injunction is not granted far exceeds any harm that DBV will suffer if it is allowed.

CENTURY 21 REAL ESTATE
CORPORATION

By its attorneys,

/s/ G. Rubenstein

Arthur L. Pressman (BBO #643094)
Gregg A. Rubenstein (BBO #639680)
NIXON PEABODY LLP
100 Summer Street
Boston, Massachusetts 02110
(617) 345-1000

Dated: April 19, 2004